THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): So, you are not going to press the amendment?

SHRIMATI KAMLA SINHA: If there is any assurance from the Minister I will not press. Otherwise, I have my difficulties. But in the light of her assurance I withdraw.

Amendment No. 5 was, *by leave withdrawn.*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): There is one amendment for insertion of new Clause 3 by Shri Sitaram Kesri.

NEW CLAUSE 3

THE DEPUTY MINISTER IN THE MINISTRY OF WEI-FARE (SHRIMATI K. KAMAL A KUMARI): Sir, I move:

"That at page 1 *after* line 10 the following be *inserted* namely: —

3. (1) the Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Constitution (Scheduled Tribes) Order, 1950, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order, as amended by this Act.' "

The question was put and the motion was adopted.

New Clause 3 *was added to the Bill.*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SMT. K. KAMALA KUMARI: I move:

"That the Bill, as amended, be passed.

The question was put and the motion was adopted.

THE WILDLIFE (PROTECTION) AMENDMENT BILL, 1991

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now, we will take up the Wildlife (Protection) Amendment Bill, 1991.

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) :
Sir, I move:

"That the Bill further to amend the Wildlife (Protection) Act, 1972, be taken into consideration."

India's wildlife is a precious heritage and it is a constitutional obligation of the Government of India and of every citizen of the country to protect and safeguard it. The Wildlife (Protection) Act, 1972 provides the main legal framework for protection of wildlife and managament of its habitats. The responsibility of implementing this Act vests mainly in State Government, who have created their Wildlife Wings for the purpose. In the implementation of the Act over the last 19 years it has been realised that there is a need for amendment of certain provisions of the Act not only to make it more stringent and effective but certain new areas like Management of Zoos and Regulation of Collection of rare and endangered species of plants are also necessary and which so far have been left out from the purview of this legislation.

The Bill under consideration aims at achieving these objectives and to bring the Act in line with the currently felt needs of nature conservation.

Wildlife in our country has suffered serious depletion on account of pressures exerted by the rapid growth of population and the consumption-oriented approach, regardless of the need to maintain essential biodiversity and ecological processes, balances, and life-support systems which are so vital for land productivity and food

[Shri Kamal Nath] security and human survival. Setting up a network of effectively managed National Parks and Sanctuaries is the higest priority of Wildlife Conservation. With this point in view, the provisions with regard to management of park sandsanctuaries are being made more effective. Realising the need to protect off-shore marine flora and fauna, provision of National park and sanctuaries is proposed to be extended to the territorial waters also.

Poaching of wild animals and illegal trade has over the years taken serious dimensions because of the exponential rise in the price of wild animals and products. The job of a poacher gets more and more lucrative as a particular species gets rare. Therefore, proposals have been made in the Bill to make the penalties for various offences more deterrent. It is being made mandatory for every transporter not to accept any consignment of wildlife products without proper sanction from the authorised officers. At present, only officers authorised by State Government are empowered to file complaints in various offences before the competent court. This power is now proposed to be delegated to the officers of the Central Government. It is also being provided that any individual can also file a complaint in a wildlife offence before the competent court after giving a notice[1] to the Government in the prescribed manner. Provisions for payment of rewards to persons helping in apprehension of offenders has also been made. It is also proposed to provide for appointment of Honorary Wildlife Wardens to help Government infrastructure in apprehension of offenders violating the provisions of the Act as well in involving the local people in wildlife conservation.

As already mentioned, wildlife populations and habitats have degraded to a great extent under the pressure of human activities. We can no more afford to kill wild animals for the sake of pleasure of a few persons thus disrupting life forms and linkages vital for preservation of biodiversity and the wildlife is also in no position to bear the burden of capturing of wild animals for commercial purposes. It must be noted that when we preserve wild fauna, we are able to conserve wild flora and micro organisms with it all of which hold the key for our collective survival while also conserving our precious natural resources.

In view of these facts, it is proposed to prohibit hunting of all wild animals. However, hunting of wild animals in exceptional circumstances, particularly for purposes of protection of life an property and for education, research, scientific management and for breeding in captivity under the provisions of Sections 11 and 12 of the Act, will be permitted.

In recent times, a mushroom growth of ill-conceived and inadequately managed zoos has become a threat on the wildlife resources of the country. It is, therefore, proposed to provide for setting up of a Central Zoo Authority for overseeing the functioning of the zoos and to ensure that only such zoos, which can maintain prescribed norms of maintenance of animals, can operate. Activities causing disturbance to animals in a zoo and littering the grounds of a zoo are proposed to be made a punishable offence.

The commercial exploitation of plants has brought many species on the verge of extinction. Provisions to prohibit collection and exploitation of such plants is being made. However, cultivation and trade in plants so cultivated would be permitted under a licence. The provision, however, would not affect the collection of traditionally used plants for bonafide personal use by tribals.

The population of Indian elephants, particularly in South India, are under serious threat by ivory poachers. Although the trade in Indian ivory was banned in 1986, the trade in imported

ivory gives an opportunity to unscrupulous ivory traders to launder poached ivory in the name of imported ivory. With this point of view, the trade in African ivory is proposed to be banned after giving due opportunity to ivory traders to dispose of there existing stocks.

In the Bill, the provisions with regard to trade in Scheduled animal articles are proposed to be amended so as to permit collection for producing life-saving drugs from snake venom. Since peacocks shed their feathers periodically, it is not necessary to kill peacocks for gathering peacock-tail feathers. It is proposed *to* exempt peacock-tail feathers from the provisions of the Act. This would not only help in fruitful utilisation of a naurally shed product but would also help the tribal people involved in collection of peacock-tail feathers to get an additional income.

As would be seen, the proposals made in the Amendment Bill could go a long way in conservation of our rare and endangered wildlife while also promoting our general well-being. I would request the House to consider and pass the Amendment Bill.

The question was proposed.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): The Minister has spoken on his motion. Now, taking the consensus of the House, I adjourn the House till 11.00 A.M. tomorrow.

The House then adjourned at thirty-two minutes past six of the clock till eleven of the clock on Wednesday, the 28th August, 1991.